

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1459

S. P. 498

In Senate, March 17, 1971

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Sewall of Penobscot.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT to Create the Department of Environmental Protection.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., T. 10, § 2203, amended. The last 2 sentences of section 2203 of Title 10 of the Revised Statutes, as enacted by chapter 472 of the public laws of 1969, are repealed and the following enacted in place thereof:

The Secretary of Environmental Protection shall employ such personnel as may be necessary to properly administer this chapter.

Sec. 2. R. S., T. 12, § 685, amended. The first sentence of section 685 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969, is repealed and the following enacted in place thereof:

The commission shall prepare a recommended biennial budget and shall submit it to the Secretary of Environmental Protection who shall consider same in formulation of the budgetary needs of the Department of Environmental Protection and in making requests of the Legislature for appropriations sufficient to carry out its assigned tasks.

Sec. 3. R. S., T. 12, § 685, amended. The 4th sentence of section 685 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969, is repealed.

Sec. 4. R. S., T. 12, § 685, amended. The last sentence of section 685 of Title 12 of the Revised Statutes, as enacted by chapter 494 of the public laws of 1969, is amended to read as follows:

The ~~executive director with the approval of the commission~~ Secretary of Environmental Protection may hire whatever competent professional person-

nel and other staff he deems necessary and he may obtain office space, goods and services as required.

Sec. 5. R. S., T. 12, § 1125, amended. Section 1125 of Title 12 of the Revised Statutes, as enacted by section 1 of chapter 485 of the public laws of 1967, is amended to read as follows:

§ 1125. Compact administrator

The compact administrator for this State shall be the ~~Forest Commissioner~~ **Secretary of Environmental Protection**. The duties of the compact administrator shall be deemed a regular part of the duties of his office.

Sec. 6. R. S., T. 12, Part 7, additional. Title 12 of the Revised Statutes is amended by adding a new Part 7, to read as follows:

PART 7

ENVIRONMENTAL PROTECTION

CHAPTER 425

ENVIRONMENTAL PROTECTION

§ 5001. Department; secretary, duties

There is created and established the Department of Environmental Protection, hereinafter called the "department," to protect and improve the quality of our natural environment and the resources which constitute it, and to improve the public's opportunity to enjoy and exist healthily in the environment, by controlling the man-made despoliation of our resources and directing growth and development along planned lines which will preserve for all time an ecologically sound and aesthetically pleasing balance of naturally-occurring resources. The chief administrative officer shall be a Secretary of Environmental Protection, hereinafter called the "secretary," who shall be appointed by the Governor, with the advice and consent of the Council, to serve at the pleasure of the Governor.

The secretary shall employ, subject to the Personnel Law, such employees as may be necessary to discharge the duties and responsibilities of the department.

The secretary shall receive such compensation as may be established by the Governor, with the advice and consent of the Council.

The department shall serve the administrative needs of the Environmental Improvement Commission, the Board of Pesticides Control, the Wetlands Control Board, the Maine Mining Commission and the Maine Land Use Regulation Commission.

§ 5002. Bureau of Administration and Operations, departmental organization

Subject to the Personnel Law, the secretary may appoint a first deputy secretary and may appoint one or more additional deputies.

The deputies shall perform such duties and exercise such powers of the secretary as the secretary may from time to time authorize. The first deputy

shall be acting secretary during a vacancy in the office of Secretary of Environmental Protection or during the incapacity of the secretary.

There is established and created the Bureau of Administration and Operations, the head of which shall be the first deputy secretary.

The secretary shall organize and from time to time reorganize the department into such further bureaus and divisions as may be required to carry out the work of the department.

Sec. 7. R. S., T. 22, § 1452, amended. The last sentence of section 1452 of Title 22 of the Revised Statutes, as enacted by chapter 447 of the public laws of 1965, is amended to read as follows:

The board shall elect annually a chairman from its own membership and be the Department of Environmental Protection is authorized to employ necessary personnel.

Sec. 8. R. S., T. 38, § 361, amended. The first, 3rd, 4th and 5th paragraphs of section 361 of Title 38 of the Revised Statutes, as amended, are repealed and the following enacted in place thereof:

The Environmental Improvement Commission, as heretofore established and hereinafter in this subchapter called the "commission," shall consist of 10 members appointed by the Governor with the advice and consent of the Council, 2 of whom shall represent manufacturing interests of the State, 2 of whom shall be representatives of municipalities, 2 of whom shall represent the public generally, 2 of whom shall represent the conservation interests in the State and 2 other members knowledgeable in matters relating to air pollution who shall be appointed for a term of 3 years and until their successors are appointed and duly qualified, and, in addition, the Secretary of Environmental Protection.

Meetings of the commission shall be held at such time and place as shall be determined by the commission but not less than 2 meetings per year shall be held. The Secretary of Environmental Protection shall serve as chairman. Three members of the commission shall constitute a quorum.

The commission may obtain the services of consultants on a contractual basis or otherwise as may be necessary to carry out this subchapter. Technical services shall be performed insofar as practicable by personnel of the Department of Health and Welfare and by other state departments, agencies and offices.

Sec. 9. Further transfer. It is the intent of the Legislature that the employees, equipment, records and funds of the Division of Sanitary Engineering of the Department of Health and Welfare, dealing with solid waste disposal and private sewage disposal, shall, on or before July 1, 1973, be transferred to the Department of Environmental Protection and the secretary and the Commissioner of Health and Welfare or his successor are directed to jointly plan said transfer and to recommend detailed legislation to accomplish same, if necessary, to the Legislature.

Sec. 10. Transfer. All funds, appropriations, equipment, personnel and records of the Environmental Improvement Commission, the Board of Pesticides Control, the Wetlands Control Board, the Maine Mining Commission and the Maine Land Use Regulation Commission, on the effective date of this Act, are transferred to the Department of Environmental Protection.

Sec. 11. Effective date. This Act shall take effect July 1, 1973; however, the authority to appoint a secretary under section 6 above shall take effect 91 days following adjournment of this Legislature and he shall be responsible for budget planning, preparation and submission for the 1973-75 biennium.

STATEMENT OF FACT

This Act establishes a Department of Environmental Protection which brings together the Environmental Improvement Commission, the Board of Pesticides Control, the Wetlands Control Board, the Maine Mining Commission and the Maine Land Use Regulation Commission in order to more efficiently administer and coordinate their activities and responsibilities and achieve the purposes set out in the new proposed Section 5001 of Title 12.